

### **REMARKS**

Claims 1-21 were reported in the Office Action as pending. Claims 1-21 are rejected. Claims 1-21 are cancelled. New Claim 22 has been added. Claim 22 remains.

In response to the above-noted Office Action, Applicant has amended the Abstract of the Disclosure correcting the informalities as noted by the Examiner.

The Disclosure is objected to due to informalities as noted at page 2-4 of the Action.

Regarding the objection to the term “unascertained water occurrence”, which term appears in the specification and claims, in response, Applicant notes that the term “unascertained water” is a literal translation of the Japanese term “fumeisui” which is a transliteration of a Japanese word. That is, the Japanese word “fumei” translates into English as unascertained, and the Japanese word “sui” translates into English as water. In this connection, Applicants have determined that the corresponding technical term in English is “infiltration and inflow.” In this connection, reference is made to a publication obtained from the website address:

<http://www.epa.gov/npdes/pubs/csorthcexecsum.pdf>

At pages GL-3 and 4, a definition of the terms infiltration, infiltration/inflow and inflow are provided. For the Examiner’s convenience, attached hereto are the relevant pages from this publication.

Thus, although Applicant believes that use of such terms in the specification is appropriate since they correspond to the Japanese words used in the priority application, Applicant has amended the claims by canceling pending claims 1-21, and added new claim 22 in which the Claim 1 preamble which read “an unascertained water occurrence distribution

estimating device” has been rewritten as “a device for the estimation of a distribution and severity of rainfall derived infiltration and inflow. Thus, while Claim 22 corresponds to cancelled Claim 1, Claim 22 is a completely rewritten form of Claim 1 presented in response to the objection to the claims as set forth at page 2 of the Action.

Regarding the objection to the disclosure as not being presented in the correct format, the foregoing amendment to the specification is fully responsive to this objection.

Regarding the rejection of the claims under 35 USC 112 as indicated at pages 4-5 of the Action, Applicant’s new claim 22, which as noted above, generally corresponds to cancelled Claim 1, is believed to be fully responsive to the grounds for rejection set forth at page 4 of the Action.

Regarding the rejection of Claims 1-21 under 35 USC 102(b) as being anticipated by Kodate, Applicant has cancelled Claims 1-21 and replaced Claim 1 by Claim 22. In this connection, Kodate is directed to a storm water pump operation control apparatus and method capable of analyzing a rainfall from a total point of view to adequately forecast the rainfall, thereby minimizing a change in number of storm water pumps to be operated to adequately perform drainage as indicated at column 2, lines 16-22. However, Kodate does not appear to be in any way related to a device for estimating the distribution and severity of rainfall derived infiltration and inflow as required by Claim 22.

In view of the foregoing amendment and response, Applicant submits that the Claim pending for examination, namely Claim 22 is patentably distinguishable over the prior art of record. Accordingly, Applicant submits that the subject application is now in condition for allowance, which early Action is requested.

If there are any fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. If a telephone interview would expedite the prosecution of this Application, the Examiner is invited to contact the undersigned at (310) 207-3800.

PETITION FOR EXTENSION OF TIME

Per 37 C.F.R. 1.136(a) and in connection with the Office Action mailed on February 12, 2008, Applicant respectfully petitions Commissioner for a one (1) month extension of time, extending the period for response to June 12, 2008. The Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Dated: \_\_\_\_\_

5/12/08

  
Eric Hyman, Reg. No. 30,139

1279 Oakmead Parkway  
Sunnyvale, CA 94085-4040  
(310) 207-3800

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I hereby certify that this correspondence is being  
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Linda Metz

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June 2, 2008